

COUNTY BOARD OF ADJUSTMENT
Application for Approval of a Change of a
Nonconforming Use

Name: _____ Phone #: _____

Address: _____

Use Type: _____

Previous Use: _____

Date Last Used as the Above Use: _____

LEGAL DESCRIPTION:

Lot #: _____ Block #: _____ Subdivision: _____

COS #: _____ Metes & Bounds Description: (Attach Typed Description)

Nine packets containing the following must be submitted with the application along with one electronic copy:

1. Letter explaining the proposal in detail.
2. Plans drawn to scale (1" = 20') including the following:
 - a. Lot lines, dimensions, and total area in square footage;
 - b. Streets and all existing and proposed curbs and cuts;
 - c. All existing and proposed structures with setbacks;
 - d. Existing and proposed parking areas and access drives;
 - e. Existing and proposed landscaping; and,
 - f. Elevations of all proposed structures.
3. Topography, if applicable.
4. Other required information.
5. Application Fee: The fee is due at the time of applying for an Approval of a Change of a Nonconforming Use and shall be made payable to Community and Planning Services.

Owner: _____ Date: _____

Agent: _____ Date: _____

Section 7.05(3)

Any nonconforming use of land may be changed to, or replaced by, the same or another nonconforming use provided the Board of Adjustment, by making findings in the specific case, shall determine that the proposed use is equally appropriate or more appropriate

than the previous use for the zoning district. In permitting such change, the Board of Adjustment shall impose those standards which are appropriate for the proposed change or replacement and which contribute to the protection of conforming uses within the zoning district. A public hearing is required.

The Board of Adjustment, in reviewing an application for an approval of a change of a Nonconforming Use, shall give due consideration to the following:

1. The location, character and natural features of the property and surrounding properties;
2. Non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;
3. The use sought would enhance and promote the development of the immediate neighborhood as outlined in the Comprehensive Plan;
4. That the use conforms generally to the objectives of the adopted Comprehensive Plan and to the purpose of Resolution 76-113;
5. That the use meets the overall density, yard, height and other requirements of the zone in which it is located;
6. That the use will not adversely affect nearby properties or their occupants;
7. Site plan design intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;
8. Vegetation, topography and natural drainage;
9. The availability of public utilities and services;
10. Expressed public opinion on the above consideration; and,
11. Recommendation of the Zoning Officer.

Applicant's Responsibility:

An application for an approval of a change of a Nonconforming Use must be made to the Zoning Officer by the property owner or a designated agent. The application and all necessary supporting documentation must be received at least 5 weeks prior to the regular meeting, which is held on the third (3rd) Wednesday of each month. The applicant or his agent must be present at the meeting; failure to appear is grounds for disapproval.

Zoning Officer Responsibility:

The Zoning Officer will send notice of the hearing to property owners within three hundred (300) feet. Notice will also be published twice in a County-approved local news media and the property will be posted with a hearing notice. The office shall inspect all submitted material for compliance and submit a report to the Board of Adjustment and the applicant prior to the meeting.

Board of Adjustment Responsibility:

The Board of Adjustment must take into consideration the Zoning Resolution and public testimony in making the decision to deny or approve, in whole or in part, and request and make its decision within thirty-five (35) days of the public hearing. The Board may require conditions for approval by which the decision is bound. A quorum must be present to take any action. Three (3) Board members constitute a quorum.